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MINISTRY OF HEALTH
DEPARTMENT OF HEALTH FOR SCOTLAND

CENTRAL HEALTH SERVICES COUNCIL
SCOTTISH HEALTH SERVICES COUNCIL

The Second Report of the
Definition of Drugs Joint Sub-committee
of the Standing Medical, Pharmaceutical
and General Practitioner Advisory
Committees

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CENTRAL AND SCOTTISH HEALTH SERVICES COUNCILS
DEFINITION OF DRUGS JOINT SUB-COMMITTEE

SECOND REPORT

INTRODUCTORY

1. Regulations 16 and 17 of the National Health Service (Service Committees and Tribunal) Regulations, 1948 (Statutory Instrument 507 of 1948), provide that where a practitioner prescribes under the National Health Service preparations which are not drugs or medicines, the Executive Council may recover their cost from him. If he challenges their action, the matter may be referred to the Local Medical Committee, with the possibility of appeal to referees. Similar provisions are contained in the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948.

2. No guidance whether borderline preparations should properly be classified as foods, toilet preparations or drugs is however available to doctors, apart from the Second Report of the Advisory Committee on the Definition of Drugs for the Purposes of Medical Benefit, dated 1929. The Minister of Health, therefore, in February, 1949, sought the advice of the Standing Medical and Pharmaceutical Advisory Committees. The Scottish Medical, Pharmaceutical and General Practitioner Advisory Committees agreed to be associated in this enquiry, and we were accordingly set up to formulate principles for determining whether preparations should properly be regarded as drugs, foods or toilet preparations, and to give guidance on the application of these principles.

3. Our first report dealt with the classification of substances as foods or drugs and was published in May, 1950.

GENERAL PRINCIPLES AND RECOMMENDATIONS

4. We have now given consideration to the classification of toilet preparations. As in the case of foods, decisions in this matter must be, to some extent, arbitrary, but we recommend that as far as possible they should be given in accordance with the following general principles :—

A. It is unethical for a doctor to order a preparation of undisclosed composition. Attention may also be directed to Section 11 of the Pharmacy and Medicines Act, 1941, which requires that the composition of any article sold “ recommended as a medicine ” shall be clearly stated on the label. *Preparations of undisclosed composition should therefore not be ordered on Form E.C.10.*

B. *Preparations normally used for toilet purposes should not be ordered on Form E.C.10 even though their composition is disclosed and even though they are included in the British Pharmacopœia or British Pharmaceutical Codex.*

(i) The following are to be regarded as being covered by the phrase ‘ preparations normally used for toilet purposes ’ :—

Astringent lotions	Shampoos	Soaps
Bath salts	Shaving creams	Tooth pastes
Cold creams	Shaving soaps	Tooth powders
Face powders	Shaving styptics	Talcum powders
Hair tonics	Skin lotions	Vanishing creams
Hand creams		

and similar preparations

(ii) The following are examples of preparations coming within this category which are included in the British Pharmaceutical Codex :—

Cologne Spirit

Paste of stearic acid

Ointment of Rose Water

Paste of hamamelis

C. *Certain proprietary preparations for which prophylactic or therapeutic claims are made should not normally be ordered on Form E.C.10 if they may be used for routine toilet purposes.* A doctor who prescribes such preparations may be required to justify his action to the Local Medical Committee if he is to avoid being surcharged with the cost of the preparation. The following proprietary preparations are in this category :—

- (i) toilet preparations of alleged prophylactic value, such as anti-midge and barrier creams ;
- (ii) toilet preparations which are vehicles for some form of medicament, such as medicated soaps ;
- (iii) toilet preparations for use by persons susceptible to allergic or trophic skin reactions.

HENRY COHEN (Chairman)

On behalf of the
Joint Sub-Committee

NOTE:—This report was submitted by the Joint Sub-Committee to the Standing Medical and Pharmaceutical Advisory Committees (England and Wales), both of which advised the Minister of Health, in accordance with Section 2 (4) of the National Health Service Act, 1946, to issue guidance to all general practitioners on the prescribing of drugs in accordance with the Joint Sub-Committee's report. A copy of this advice to the Minister was referred to the Central Health Services Council, who made no comment upon it.

This report was also submitted by the Joint Sub-Committee to the Scottish Standing Medical and Pharmaceutical Advisory Committees and the Scottish Standing Advisory Committee on General Practitioner Services, by all three of which it has been approved. The Scottish Health Services Council have also approved the report and concurred in the suggestion that advice should be given to general practitioners in accordance with the Joint Sub-Committee's report.

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